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ATTORNEY FOR FRIENDS OF CHATEAU DU LAC

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE	§	
	§	
VAN HUNTER DEVELOPMENT, LTD.	§	
	§	CASE NO. 10-40052
DEBTOR	§	

EMERGENCY MOTION TO COMPEL DEBTOR TO ASSUME OR REJECT EXECUTORY
CONTRACT

TO THE HONORABLE BRENDA T. RHOADES UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, The Friends of Chataeu du Lac, parties in interest in the above styled and number cause and filed this its Emergency Motion to Compel Debtor to Assume or Reject Executory Contract (“Motion”) and in support thereof would respectfully show unto the Court as follows:

1. Debtor Van Hunter Development, Ltd., is the owner of certain residential lots in the residential development known as Chateau du Lac located in Flower Mound, Texas (the “Development”).
2. The Friends of Chataeu de Luc (“Friends”) are owners of lots and/or homes in the Development.
3. At the time of the purchase of their lots the members of Friends became participants in the Chateau Homeowners Association (“CHOA”).

4. Pursuant to the terms of the CHOA bylaws, the Debtor was the Declarant of the CHOA and not entitled to be removed from operating the CHOA until all lots in the Development were sold.
5. Over the years the various members of Friends paid dues to the Debtor for use by the CHOA.
6. Upon information and belief, the Debtor or its principals failed to use the dues paid by the members of Friends for the purposes detailed in the CHOA by-laws.
7. As a result any services that were to be provide the Friends through the CHOA have not been provided, included common area maintenance and landscaping.
8. As a result of the Debtor's failure to preform under the terms of the CHOA both pre and post petition the Friends move this Court to compel the Debtor to reject the CHOA as that a new Homeowners Association can be formed to preform the needed services for the community.

WHEREFORE, PREMISES CONSIDERED, the Friends of Chateau de Luc respectfully pray this matter be set down on an emergency basis and the Court enter an Order compelling he Debtor to reject the Chateau Homeowners Association agreement, and for such other and further relief in law or in equity to which the Friends may show themselves justly entitled.

Respectfully submitted,

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BY: __/s/ Eric Liepins_____
ERIC A. LIEPINS, SBN 12338110

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was send via United States mail to Larry Levick 16200 Addision Road, Suite 140, Addision Texas 75001 and to all other creditors on this 2nd day of April 2010.

__/s/ Eric Liepins_____